

Before the State of South Carolina
Department of Insurance

In the matter of:)	
)	Consent Order
Moretta T. Brown,)	Imposing Administrative Fine
)	
)	
240 Jamil Road, #40)	Investigation File Number
Columbia, South Carolina 29210.)	100483
)	

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Moretta T. Brown, a licensed State of South Carolina bail bondsman.

Based on evidence received by the Department, Brown hereby admits, and I find as fact, that she presented to the Department on behalf of a client, a refund check in the amount of \$1450, made payable to T.J. Williams that was not accepted by the bank on which it was written due to insufficient funds. This action is a direct violation of S.C. Code Ann. § 38-53-150 (8) (Supp. 1999) and can ultimately lead to the revocation of Brown's license to conduct business as a bail bondsman in South Carolina following a public hearing at the Administrative Law Judge Division.

Prior to the initiation of any administrative proceedings by the Department against her, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that Brown would waive her right to a public hearing, that she would pay an administrative fine in the total amount of \$500, and that Brown would take six hours of continuing insurance education courses beyond that required by law within 90 days of the date of this order.

S.C. Code Ann. § 38-53-150 (8) (Supp. 1999) provides, "The director or his designee may deny, suspend, revoke, or refuse to renew the license of a bail bondsman when in the judgement of the director or his designee the licensee has in the conduct of his affairs under the license demonstrated incompetency or untrustworthiness, that he is no longer in good faith carrying on the bail bond business, or that he is guilty of rebating, offering to rebate, or offering to divide the premiums received for the bond."

 Moretta T. Brown

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law that Brown has violated S.C. Code Ann. § 38-53-150 (Supp. 1999).

Although I can now revoke all licenses held by Brown, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2) (Supp. 1999), I hereby impose against Brown an administrative fine in the amount of \$500, which must be paid within ten days of my date and signature on this consent order. I also require Brown to undergo six additional hours of continuing insurance education courses beyond the statutory requirement of S.C. Code Ann. § 38-43-106 (Supp. 1999) within 90 days of the date of this order. Brown must provide to the Department the original certificates of attendance proving her completion of this requirement within 90 days of the date of this order. These hours may not be fulfilled via correspondence courses and will not be eligible for the carry-over pursuant to S.C. Code Ann. § 38-43-106 (Supp. 1999). If that total fine amount is not timely paid, or if Brown does not provide the required proof of her timely having taken the additional continuing insurance education courses, her bail bondsman's license to conduct bail bonds business will be revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise and in consideration of Brown's assurance that in the future she will ensure sufficient funds are available in her business account before writing any checks associated with bail bond business. It is also made in consideration of Brown's promise that she will fully comply with the insurance laws of South Carolina in the future.

By her signature upon this Consent Order, Brown acknowledges that she understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10 *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

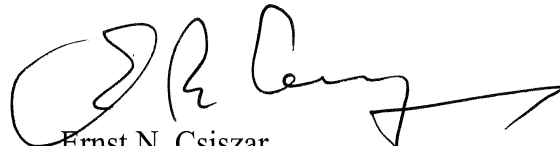
It is, therefore, ordered that Moretta T. Brown pay through the South Carolina Department of Insurance an administrative fine in the amount of \$500 within ten days of the date of this order.

 Moretta T. Brown

It is further ordered that Moretta T. Brown must take six hours of continuing insurance education courses beyond that required by law within 90 days of the date of this order and provide proof of her completion of this requirement as outlined above.

Finally, it is also ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

February 10, 2000, at
Columbia, South Carolina

I CONSENT:

Moretta T. Brown - *Moretta Brown*
240 Jamil Road, #40
Columbia, South Carolina 29210

Dated this 8th day of February, 2000